

CERTIFIED FOR PARTIAL PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

ANSCHUTZ ENTERTAINMENT
GROUP, INC. et al.,

Plaintiffs and Respondents,

v.

FRANK W. SNEPP, III et al.,

Defendants and Appellants.

B206789

(Los Angeles County
Super. Ct. No. BC370870 &
BC372675)

ORDER MODIFYING OPINION
NO CHANGE IN JUDGMENT

THE COURT:*

It is ordered that the opinion filed herein on February 25, 2009, be modified as follows:

On page 1, the footnote is deleted and the following text inserted as a footnote: Pursuant to California Rules of Court, rules 8.1100 and 8.1110, Parts I, II, III, IV(A), IV(B), and V are certified for publication.”

On page 2, first paragraph, line 6, following the text “subdivision (1)”, delete the word “reaction” and insert the word “retraction”

On page 5, first full paragraph, line 15, following the word “department”, delete the word “of”.

On page 5, first full paragraph, line 22, following the words “smoke control” insert the word “system”.

On page 6, first full paragraph, line 18, delete the word “Center”.

On page 8, line 12, delete the word “Staple” and insert the word “Staples”.

On page 9, first paragraph, line 2, delete the word “identity” and insert the word “identities”.

On page 9, paragraph 5, line 26, following the words “opened, at” delete the word “Wach’s” and insert the word “Wachs’s”.

On page 11, line 3, delete the text “tco’s.” and insert the text “tco’s,”.

On page 11, paragraph 4, line 21, following the word “candle” delete the word “on” and insert the word “in”.

On page 11, paragraph 5, line 25, delete the word “Staple” and insert the word “Staples”.

On page 13, line 2, following the text “see the exits and the” delete the word “exits” and insert the word “exit”.

On page 16, second paragraph, line 5, delete the period after the word “issued” and insert a comma in its place.

On page 18, third paragraph, line 22, delete the word “ordered” and insert the word “offered.”

On page 19, third paragraph, line 13, delete the word “Staple” and insert the word “Staples.”

On Page 19, fifth paragraph, line 19, delete the name “Collen” and insert the name “Colleen”.

On page 22, second paragraph, line 7, delete the word “opened” and insert the word “open”.

On page 22, fourth paragraph, line 18, following the text “[photo” delete the letter “o” and insert the word “of”.

On page 23, fifth paragraph, line 19, following the words “one another do” delete the word “the” and insert the word “they”.

On page 29, second full paragraph, line 19, delete the word “KNCB” and insert the word “KNBC”.

On page 30, first paragraph, line 2, following the words “The evidence” delete the word “is” and insert the word “in”.

On page 30, first paragraph, line 8, following the text “December 15” delete the word “through” and insert the word “and”.

On page 30, second paragraph, line 18, following the text “temporary occupancy certificate” and the word “on”.

On page 30, third paragraph, line 26, delete the text “log notes also states” and insert the words “log notes also state”.

On page 31, second paragraph, line 21, delete the word “Hershey” and insert the word “Hersey”.

On page 31, second paragraph, line 27, delete the word “Hershey” and insert the word “Hersey”.

On page 34, line 2, delete the word “possession” and insert the word “impression”.

On page 34, line 4, after the word “impression” delete the comma and add “of continuing danger”.

On page 34, line 5, after the text “such danger” insert “at [the arena]”.

On page 37, first full paragraph, line 15, following the text “nothing unusual about” delete the word “in”.

On page 38, first full paragraph, line 14, change “June 14,” to “June 4”.

On page 38, first full paragraph, line 15, change “February 9, 2000” to February 10, 2000”.

On page 43, paragraph 3, lines 26-27, following the text “smoke control inspection report prepared” delete the text “on September 28, 1999”.

On page 44, first full paragraph, line 7, insert “not” after the words “report was”.

On page 49, line 1, change the citation from “*Kapellas v. Koffman*” to “*Kapellas v. Kofman*”.

On page 50, first full paragraph, line 25, insert “republication” after the text “proximate result of Defendant’s”.

On page 51, line 1, before the sentence that begins “Defendants’ conduct,” insert the following sentence:

“Plaintiff’s injuries were exacerbated by the malicious conduct of Defendants”.

On page 51, line 14, delete the text “[Parts III(C)” and insert the text [Parts IV(C)”.

On page 52, line 20, following the text “prima facie showing” insert the word “the”.

On page 57, first paragraph, line 7, following the text “broadcast conveyed” delete the word “as” and insert the word “a”.

On page 57, second full paragraph, lines 13-14, delete “(*Milkovich* [v. *Lorraine Journal Co.* [(1990) 497 U.S. [1, 19.)” and insert “(*Milkovich* [v. *Lorain Journal Co.* (1990)] 497 U.S. [1,] 19.)”

On page 57, second full paragraph, line 20, following the reference “(*Franklin v. Dynamic Details, Inc., supra*,” insert “[116 Cal.App.4th]”.

On page 57, second full paragraph, line 27, following the reference “(*Baker v. Los Angeles Herald Examiner, supra*,” insert “[42 Cal.3d]”.

On page 57, second full paragraph, line 28, following the citation “151 Cal.App.4th 688, 701” delete the text “, 61”.

On page 61, part 4 b., line 16, following the text “The first complaint, filed May 9, 2007,” delete the word “which”.

On page 62, second full paragraph, line 24, following the text “Nor is it unusual for an owner to occupy” replace the word “or” with the word “and”.

On page 63, line 6, delete the text “109.3” and insert the text “109.5”.

On page 63, line 23, change the text ““Retrofit Final Acceptance Checklist”” to read ““Retrofit Fire Acceptance Checklist””.

On page 66, first full paragraph, line 27, delete the number “45” and insert the number “44”.

On page 67, line 9, following the text “why it remained” delete the word “such” and insert the word “so”.

On page 67, first full paragraph, following the text “Department,” insert the word “he”.

On page 68, first full paragraph, line 8, following the text “in the context” insert the word “of”.

On page 70, first full paragraph, line 24, following the text “Also,” delete the word “Inspector’s” and insert the word “Inspector”.

On page 70, first full paragraph, line 26, following the text “inspection analysis” delete the word “which”.

On page 70, first full paragraph, line 28, following the text “matters,” delete the word “Inspector’s” and insert the word “Inspector”.

On page 71, line 2, following the word “Dillon” delete the word “Inspector’s” and insert the word “Inspector”.

On page 71, first full paragraph, line 21, following the text “by defendants indicated” delete the words “the of”.

On page 72, second paragraph, line 20, following “(*Cox Broadcasting, supra,*” add the text “[420 U.S.]”.

On page 73, first full paragraph, line 13, following “(*Cox Broadcasting, supra,*” add the text “[420 U.S.]”.

On page 74, line 4, following “(*Cox Broadcasting, supra,*” add the text “420 U.S.at pp.”

On page 74, line 13, following “(*Cox Broadcasting, supra,*” add the text “420 U.S.”

On page 75, paragraph E., line 19, following the text “from amending” delete the word “the” and insert the word “their” and delete parenthesis after “[Citation]”.

On page 77, at line 18, after the word “tendency” insert the text “to injure them in their business”.

No change in the judgment.